UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HECTOR AVALOS and MAYI SANTOS, Individually and on Behalf of All Others, Similarly Situated,

Plaintiffs,

-against-

STAR STAFFING, WALKER RESOURCES, INC., HYATT CORPORATION, GEORGE RIZZO, STEPHEN BLUE, GEORGE BERGMAN, KEN HALL, MIKE WALKER, RON ROSS and MILTON J. WEIL, Jointly and Severally,

Defendants.

ECF

2010 CV 7894 (RPP)(JLC)

PLAINTIFFS' MOTION TO AMEND THE CLASS & COLLECTIVE ACTION COMPLAINT

With Defendants' written consent, Plaintiffs move the Court to amend their Class & Collective Action Complaint pursuant to Fed. R. Civ. P. 15(a)(2). The proposed Amended Class & Collective Action Complaint is attached as Exhibit A. Defendants' written consent is attached as Exhibit B.[1] This amendment seeks to add causes of action arising out of illegal gratuity deductions under New Jersey State Statute and the common law. Defendants do not object to this motion, so long as they are given at least one week from the March 11, 2011 settlement conference in which to respond to the Amended Class & Collective Action Complaint.

The proposed Amended Class & Collective Action Complaint challenges the same conduct as the current Class & Collective Action Complaint; it merely adds additional causes of

[1] Defendants' written consent authorizes the filing of the Amended Complaint, so long as Defendants are given at least one week from the date of the settlement conference currently scheduled to be held before the Honorable Magistrate Judge James L. Cott in which to respond. The settlement conference is currently scheduled to be held on March 11, 2011 at 2:00 pm. As such, the parties would ask that Defendants' response to the instant Amended Class & Collective Action Complaint not be due until March 18, 2011.

action arising out of the same facts previously alleged. These amendments do not affect any current deadlines.

Dated: January 26, 2011

Respectfully Submitted,

/s/ Brent E. Pelton

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